

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CHRISTINA L. ROTE,

Plaintiff,

vs.

UNITED PARCEL SERVICE, *et al.*,

Defendant.

Case No. 2:11-cv-01677-RCJ-PAL

ORDER

The court conducted a status and scheduling hearing on January 17, 2012. Robert Spretnak appeared on behalf of the Plaintiff, and Robert Cassity appeared on behalf of the Defendants.

The Complaint (Dkt. #1) in this case was filed on October 17, 2011. Defendant filed an Answer (Dkt. #5) November 17, 2011. This is an ERISA action arising out of a denial of Plaintiff's claim for benefits under a short-term disability plan. Plaintiff received short-term disability benefits between June 22, 2010, and September 13, 2010, but was denied benefits after that. She appealed the denial and was awarded an extension of short-term disability benefits through October 27, 2010. The decision was a final decision of the Claims Review Committee, and Plaintiff was advised she had six months from the date of this final decision to file a civil action in federal court. Her complaint alleges she was entitled to receive short-term disability benefits under the terms of the Plan from October 27, 2010, until she became eligible for benefits under Defendants' long-term disability benefit plan. She has also alleged a claim for breach of fiduciary duty for denial of benefits.

Counsel advised the court at the status hearing that they had met and conferred. The parties believe they will be able to stipulate to file an Amended Complaint to name the Plan as the proper Defendant. Defense counsel has provided Plaintiff with a copy of the Administrative Record. Plaintiff has now had an opportunity to review the Administrative Record, and believes it is complete. Neither

1 side believes any discovery will be required, and that the matter can be decided on cross motions for
2 summary judgment. The parties' requested an April 30, 2012, deadline to file cross motions for
3 summary judgment. The delay in filing dispositive motions was requested to allow the parties time to
4 try to settle this case. The court will direct that the Administrative Record be filed and grant the parties'
5 request to delay briefing until April 30, 2012. However, the court advised counsel that, absent
6 compelling reasons and a strong showing of good cause, no further extension of the briefing schedule
7 would be allowed.

8 **IT IS ORDERED** that:

- 9 1. Defendant shall have until January 18, 2012, at 4:00 p.m., to file the Administrative
10 Record with the court.
- 11 2. The parties shall have until April 30, 2012, to file cross motions for summary judgment.
12 The time for filing responses and replies shall be governed by Fed.R.Civ.P. 56

13 Dated this 18th day of January, 2012.

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16 Peggy A. Leen
17 United States Magistrate Judge
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